

**REMARKS**

The Office Action of July 6, 2004 has been reviewed and the Examiner's comments carefully considered. The present Amendment amends claims 1, 3-7, 14, 16-18 and 21-25 in accordance with the originally-filed specification. Support for the amendment to independent claim 1 can be found, for example, in Figs. 12A, 12B and 13. Claims 1-25 remain in this application.

Initially, the Examiner has objected to claim 6 indicating that the term "may be" as recited in line 2 of this claim is vague and not a positive recitation. Claim 6 has been modified to delete this term and insert therefor "is", such that this claim is now clear and concise. In view of this amendment, Applicant respectfully requests withdrawal of this rejection.

Next, the Examiner has rejected claims 14, 16 and 17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner has rejected these claims for including terms that do not have proper antecedent basis. All of claims 14, 16 and 17 have been modified through the foregoing Amendment. In view of these modifications to claims 14, 16 and 17, Applicant respectfully requests reconsideration of this rejection. It is also noted that claims 3-7, 18 and 21-25 have been amended to correct minor grammatical inconsistencies.

Claims 1-5, 8, 10-14, 16, 22 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,505,013 to Gois. Claims 6, 9 and 17 stand rejected under 35 U.S.C. § 103(a) as being obvious over the Gois patent in view of U.S. Patent No. 5,918,701 to Rogelja. Further, claims 18-20 stand rejected under 35 U.S.C. § 103(a) as being obvious over the Gois patent in further view of U.S. Patent No. 5,463,798 to Wurzer. Claims 21, 22, 24 and

25 stand rejected under 35 U.S.C. § 103(a) as being obvious over the Gois patent in further view of U.S. Patent No. 6,161,264 to Choate. Finally, claim 23 stands rejected under 35 U.S.C. § 103(a) as being obvious over the Gois patent in further view of U.S. Patent No. 1,849,816 to Yingling. In view of the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of these rejections.

Applicant also would like to thank the Examiner for indicating that the subject matter of claims 7 and 15 defines over the prior art of record. In particular, the Examiner has objected to these claims, but indicates that they would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Independent claim 1 of the present application, as amended, is directed to a karabiner. The karabiner includes a generally C-shaped body with free ends curved toward each other, thereby forming a gap therebetween. The karabiner also includes a gate for closing the gap and at least one roller. Further, the gate is adapted to open inwardly in the plane of the karabiner body.

The Gois patent is directed to a purse ring. Both the figures directed to the invention described in the Gois patent, as well as the figures illustrating the prior art (Figs. 2-7), illustrate a generally C-shaped body with free ends curved toward each other and forming a gap therebetween. In addition, the rings illustrated include a gate for closing the gap and rollers inside the C-shaped body. The frame 24 supports a roller 26, which is positioned across frame 24 to partition off a portion of the enclosed aperture to form a central passageway. The roller 26 is cylindrical and includes a double taper towards its center to form a guide, which facilitates a more efficient rolling contact of the roller 26 and the purse line 14. The roller 26 may be connected to the frame 24 to provide for free rotation and reduced frictional wear on the roller 26 when the purse line 14 is drawn through the passage 28 and against the roller 26.

The Rogelja patent is directed to a roping device. The Examiner appears to use the Rogelja patent for its disclosure of a pair of rotatable sleeves or rollers 13a, 13b. The Wurzer patent is directed to a self-locking karabiner. The Examiner appears to use the Wurzer patent for its disclosure of a main body with a recess or a groove 24 for receiving a strap 25. See Figs. 9-11. The Choate patent is directed to a safety hook. The Examiner appears to use the Choate patent for its disclosure of a gate structure in connection with a safety hook. In particular, the structure of the Choate patent includes a spring-loaded gate 22, a locking element 36 and a ring formed at an end 72 of the body 14 of the hook 10. Finally, the Yingling patent is directed to a hook guard. The Examiner appears to use the Yingling patent for its discussion of a wire gate 19 used as a gate for a hook device. See Fig. 1.

As best seen in Fig. 9 of the Gois patent, the purse ring 10 includes a pivoting arm 38 that opens in a diagonal direction, in this case in a plane that lies at 45° with respect to the plane of the body. It appears that the use of such a gate configuration provides an increase in the throat dimension of the purse ring, such that a larger diameter rope can be retained thereby. However, this also means that the rope or strap cannot be “clipped in”, unless the gate is struck against the rope at a specific angle. By using such a configuration, when the user pushes the gate transverse to the pivot direction, the gate is locked, not opened, which imparts directionality, e.g., left or right-handedness, to the purse ring 10.

With respect to the karabiner of the present invention, the gate is specifically intended to slide past the rope as it is attached, which produces the clipping action required by climbers. In particular, what would distinguish any karabiner over a bull hook or purse ring, is the fact that the gate must open inwardly in the plane of the karabiner body in order to be clipped onto objects, such as ropes, rock bolts, etc., by pressing the gate against the object. See page 1, paragraph 3 of the specification. A further requirement of a karabiner is that the clipping action

must be attainable irrespective of the angle of attack of the karabiner with respect to the rope. Without this feature, vital seconds may be lost while trying to line the karabiner up correctly in use.

As discussed above, the Gois patent does include an opening gate and a roller, however, the gate opens at a 45° angle with respect to the body. Therefore, this renders the purse ring of the Gois patent unsuitable for climbing and/or fall protection applications due to the extension of the gate past the periphery of the body of the purse ring, which would result in an unattainable clipping action unless the purse ring would be angled at a specific 45 degrees with respect to the rope. Therefore, the design of the purse ring of the Gois patent would not be suitable for use as a karabiner, since the climber would need to orient it correctly to be able to “clip in”. This would result in a highly dangerous situation, where fast clipping is required or where the climber has numb fingers or is tired.

For these reasons, Applicant respectfully submits that the Gois patent does not teach or suggest a karabiner that includes a C-shaped body, with its free ends curved toward each other and forming a gap therebetween, a gate for closing the gap and at least one roller, where the gate is adapted to open inwardly in the plane of the karabiner body, as specifically set forth in independent claim 1, as amended, of the present application. Further, none of the prior art of record teaches or suggests such a structure. The use of an inwardly opening gate and a roller is not taught or suggested in the remaining cited prior art, including the Rogelja patent, the Wurzer patent, the Choate patent and the Yingling patent.

It is noted that the Examiner has used the Rogelja patent, the Wurzer patent, the Choate patent and/or the Yingling patent to cure the various deficiencies of the Gois patent by demonstrating the combination of the structures. However, as set forth above, all of the limitations of independent claim 1, as amended, are not taught or suggested in the prior art of

record. Further, as set forth in MPEP § 2143.03, to establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. Further, the Examiner cannot use the claims as a blueprint for locating separate claim elements in separate prior art references without considering the teachings of the prior art as a whole and without considering the complete teachings of the separate references. There is nothing in the Rogelja patent, the Wurzer patent, the Choate patent and/or the Yingling patent, which suggests the desirability of their combined teachings with the Gois patent. There is no incentive to combine these references together in order to arrive at the claimed subject matter of the present application. In the absence of some "clear and particular" motivation to combine the teachings of the cited prior art, the objection is improper. Winner Int'l Royalty Corp. v Wang, 202 F.3d 1340, 1348-49 (Fed. Cir. 2000).

Still further, Applicant submits that the purse ring of the Gois patent is in an entirely different technical field than the karabiner of the present invention. Accordingly, Applicant submits that the Gois patent cannot be used and/or combined with other prior art in order to reject the claims of the present application. Still further, there is nothing in any of the karabiner art cited by the Examiner that would teach or suggest the use of a roller to reduce rope friction, and even if combined with the Gois patent, the Gois patent does not suggest the use of a roller in a climbing/fall protection application. Additionally, the fishing and climbing arts do not overlap, and one of ordinary skill in the art of climbing equipment design would not be seeking inspiration from the fishing art or vice versa. This fact is borne out by the absence of fishing tackle manufacturers at climbing trade conferences, and the fact that marine equipment manufacturers do not market their wares in climbing/outdoor activity shops. For these reasons, Applicant submits that the Gois patent cannot appropriately be used as reference in formulating a rejection of the claims of the present application.


However, even if combined, as set forth above, independent claim 1 of the present application is not anticipated by or rendered obvious over the Gois patent, the Rogelja patent, the Wurzer patent, the Choate patent, and the Yingling patent, whether used alone or in combination. There is no hint or suggestion in any of the references cited by the Examiner to combine these references in a manner which would render the invention, as claimed, obvious. Reconsideration of the rejection of independent claim 1 is respectfully requested.

Claims 2-25 depend either directly or indirectly from and add further limitations to independent claim 1 and are believed to be allowable for the reasons discussed hereinabove in connection with independent claim 1. Therefore, for all the above reasons, reconsideration of the rejections of claims 2-6, 8-14 and 16-25 is respectfully requested.

For all the foregoing reasons, Applicant believes that claims 1-25, as amended, are patentable over the cited prior art and in condition for allowance. Reconsideration of the rejections and allowance of all pending claims 1-25 are respectfully requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON  
ORKIN & HANSON, P.C.

By   
Nathan J. Prepelka  
Registration No. 43,016  
Attorney for Applicant  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219-1818  
Telephone: (412) 471-8815  
Facsimile: (412) 471-4094  
E-mail: webblaw@webblaw.com